FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.52 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. N.S. Venegaonkar for the Petitioner.

Mr.P.S.Hingorani, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : FEBRUARY 6, 2006.

P.C.

1. This is a revision application impugning an order under Section 125 of the Cr.P.C. passed by the 4th Adhoc Addl. Sessions Judge, Sangli remanding the matter to the Trial court for deciding the matter afresh. It appears from the record that the Trial Court has decided the matter on the sole issue that the wife is not entitled for maintenance as she was not cohabiting with the husband. Three other issues pertaining to Whether applicant had proved that the non applicant, having

sufficient income, refused and neglected to maintain her? Whether applicant was unable to maintain herself? and Whether applicant was entitled to get maintenance? if yes, at what rate? were framed. The trial court has answered all the issues as " does not survive ". The revisional court has remanded the matter without making any observations on the issue which were decided by the trial court. Even if the matter was decided on merits by the revisional court and the decided issue was answered in favour of wife, the matter will still be required to be remanded. Hence, I am not inclined to interfere in the impugned order. The revision application is rejected.

(R. S. MOHITE, J.)